

REMARKS

In the final Office Action, the Examiner rejects claims 1-3, 5, 11, 12, 14-16, 18, and 31 under 35 U.S.C. § 102(e) as anticipated by BUYUKKOC et al. (U.S. Patent No. 6,463,062); rejects claims 4 and 17 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of NOAKE et al. (U.S. Patent No. 6,751,222); rejects claims 6, 8, 9, 19-21, 23, and 25 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of CHRISTIE et al. (U.S. Patent No. 6,690,656); rejects claims 7 and 22 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of FARRIS et al. (U.S. Patent No. 6,154,445); rejects claim 10 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of VANDERVORT et al. (U.S. Patent No. 5,761,191) or HORN et al. (U.S. Patent No. 5,276,676); rejects claims 13 and 38 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of BASSO et al. (U.S. Patent No. 6,633,539); rejects claims 24 and 26 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of CHRISTIE et al. and further in view of GAI et al. (U.S. Patent No. 6,167,445); rejects claims 27-29 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of KOBAYASHI et al. (U.S. Patent No. 5,896,371); rejects claim 30 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of SMITH et al. (U.S. Patent No. 6,222,823); rejects claims 32-37 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of KILKKI et al. (U.S. Patent No. 6,041,039); rejects claims 39-43, 45, 50, and 58 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al.; rejects claim 44 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and

further in view of NOAKE et al.; rejects claims 46-48 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of CHRISTIE et al.; rejects claim 49 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of FARRIS et al.; rejects claims 54-56 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of KOBAYASHI et al.; rejects claim 57 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of SMITH et al.; rejects claims 59-64 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of KILKKI et al.; and rejects claim 65 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of BASSO et al. Applicants respectfully traverse the above objection and rejections.¹ Claims 1-50 and 54-81 are pending. Of these claims, claims 66-81 have been withdrawn due to a restriction requirement.

Claims 1-3, 5, 11, 12, 14-16, 18, and 31 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by BUYUKKOC et al. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

present. See M.P.E.P. § 2131. BUYUKKOC et al. does not disclose or suggest the combination of features recited in claims 1-3, 5, 11, 12, 14-16, 18, and 31.

For example, independent claim 1 is directed to an intelligent policy server method in an Asynchronous Transfer Mode (ATM) network having an ingress switch and an egress switch, wherein said ingress switch serves an ingress device operated by a calling party and said egress switch serves an egress device operated by a called party. The method includes receiving, in said ingress switch, a signaling message from said ingress device; providing said signaling message to a signaling intercept processor associated with said ingress switch; propagating said signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, each policy profile of the at least one policy profile being associated with a subscriber; determining in said policy server, based at least in part on said signaling message, if a particular policy feature of the plurality of policy features is to be invoked; if so, determining whether a policy condition associated with said particular policy feature is satisfied with respect to said signaling message; and establishing a connection path between said ingress switch and said egress switch based on said determination that said policy condition is satisfied by said signaling message. BUYUKKOC et al. does not disclose or suggest this combination of features.

For example, BUYUKKOC et al. does not disclose or suggest propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber. The Examiner relies on

BUYUKKOC et al.'s routing status database (RSD) server 730 as corresponding to the recited policy server (final Office Action, pp. 3 and 27). The Examiner further relies on col. 14, line 9, to col. 15, line 50, col. 10, lines 10-20, col. 11, lines 1-16, and col. 13, lines 1-6 and 29-67, of BUYUKKOC et al. for allegedly disclosing the above features of claim 1 (final Office Action, pp. 3 and 27). Applicants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

BUYUKKOC et al. discloses that RSD server 730 contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25). BUYUKKOC et al. does not disclose or suggest, however, that RSD server 730 includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber, as required by claim 1. In fact, as evident from BUYUKKOC et al.'s Tables VII-IX, RSD server 730 stores information regarding the status of links and routes in ATM network 20, which is not associated with a subscriber.

At col. 14, line 9, to col. 15, line 50, BUYUKKOC et al. discloses the contents of the routing status database. As indicated above, BUYUKKOC et al. discloses that the routing status database includes some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to

interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25). Nowhere in this section of BUYUKKOC et al. or elsewhere does BUYUKKOC et al. disclose or suggest that the routing status database includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as required by claim 1.

At col. 10, lines 10-20, BUYUKKOC et al. discloses:

The small size of the tables in each edge node that maintains information about the traffic contributed to the network by that edge node makes frequent updates and fast routing decisions easier to implement. The computation and control functionality that has been described above can be placed either in the edge node or in a closely linked adjunct. The CFNI functionality can reside in a specially designated edge node, a network database such as a signal control point (SCP), or a stand-alone network element. The CFNI can be replicated for reliability, and it can also be implemented in a distributed manner.

This section of BUYUKKOC et al. discloses that edge nodes maintain information about traffic contributed by the edge nodes. This section of BUYUKKOC et al. does not disclose or suggest that the routing status database server, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by claim 1 based on the Examiner's interpretation of BUYUKKOC et al. In fact, this section of BUYUKKOC et al. does not even mention the routing status database server or policy profiles.

At col. 11, lines 1-16, BUYUKKOC et al. discloses:

the RSD on a per-call basis, and using default routes for a particular destination, where the default route may be changed from time to time by the RSD to reflect changing network conditions.

The RSD may be used in conjunction with a number of other innovations. For example, the RSD may be used in conjunction with a service control point (SCP) of an Intelligent network. An SCP determines an appropriate destination for a call having more than one possible destination, such as a call to the 800 number of a large customer that may be routed to one of a number of regional service centers, based on factors such as the availability of representatives in the various service centers. The RSD may be accessed after an SCP or at the same time as an SCP, and the same server may provide RSD and SCP functionality.

Centralized routing is contrary to the current networking

This section of BUYUKKOC et al. discloses that the route status database may be used in conjunction with a service control point (SCP). This section of BUYUKKOC et al. does not disclose or suggest that the routing status database server, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by claim 1 based on the Examiner's interpretation of BUYUKKOC et al. In fact, this section of BUYUKKOC et al. does not even mention policy profiles.

At col. 13, lines 1-6, BUYUKKOC et al. discloses:

when a new call is originated, and provides CRSDS 630 with the origin and destination of the call. CRSDS 630 decides how to route the call, based on the status of the pre-determined routes, preferably selecting the least congested of the predetermined routes for the origin destination pair, and communicates this decision to the querying edge

This section of BUYUKKOC et al. discloses that a central routing status database server (CRSDS) decides how to route a call based on the status of pre-determined routes. This section of BUYUKKOC et al. does not disclose or suggest that the CRSDS, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by claim 1 based on the Examiner's interpretation of BUYUKKOC et al. In fact, this section of BUYUKKOC et al. does not even mention policy profiles.

At col. 13, lines 29-67, BUYUKKOC et al. discloses:

Optionally, each backbone ATM switch 710 is connected to an RRSDS by a link 760. Each RRSDS is connected to a CRSDS 730 by a link 770.

The architecture of FIG. 7 may be used in ways similar to that of FIG. 6. However, edge nodes 720 and optionally backbone ATM nodes 710 track information regarding bandwidth usage, and transmit this information to RRSDSs 740. RRSDSs forward the information to CRSDS 730, preferably aggregating the information before forwarding. For example, a particular RRSDS 740 may receive information from several edge nodes 720 regarding the amount of bandwidth that each of the edge nodes uses on a particular β -link 715. RRSDS 740 may aggregate this information into a single piece of information that represents the total bandwidth used on the particular β -link by those edge nodes 720 that are connected to the particular RRSDS 740. CRSDS 730 receives information from each RRSDS 740, and uses this information to compute the total bandwidth usage on each α -link and each β -link.

In a fourth of the second group of embodiments usage information is then preferably distributed to the RRSDSs 740, where it is used to compute route congestion status. Preferably, each RRSDS 740 only computes route congestion status for those routes that originate at edge nodes 720 that are connected to the particular RRSDS 740. Edge nodes query the RRSDS to which they are connected to establish how a call should be routed. The fourth of the second group of embodiments is similar to the second of the second group of embodiments. However, there are several RRSDSs 740 that respond to queries from edge nodes 720, instead of a single CRSDS.

The fourth embodiment advantageously distributes the burden of responding to such queries, reducing the burden on CRSDS 730, and also reducing bandwidth usage in the network used to carry the queries by reducing the average distance that a query must travel.

The architecture of FIG. 7 may also be used in other ways, similar to those described for the architecture of FIG. 6. For example, the calculation of route congestion status may occur at CRSDS 730, RRSDSs 740, or edge nodes 720.

This section of BUYUKKOC et al. discloses an embodiment that includes several regional routing status database servers (RRSDSs) for making routing decisions. This section of BUYUKKOC et al. does not disclose or suggest that the RRSDSs, which the Examiner alleges corresponds to the recited policy server, include at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by claim 1 based on the Examiner's interpretation of BUYUKKOC et al. In fact, this section of BUYUKKOC et al. does not even mention policy profiles.

In response to the above arguments, the Examiner alleges:

a quality of service rule/policy is one of the rule/policy associated with a call, where a call is associated with a user/subscriber

and points to col. 14, lines 35-64, of BUYUKKOC et al. for support (final Office Action, pp. 3 and 27).

Col. 14, lines 35-64, of BUYUKKOC et al. is discussed above. With respect to quality of service, this section of BUYUKKOC et al. discloses:

While Table VII only shows 2 congestion thresholds that define 3 congestion status for each link, many more thresholds and congestion status may be defined to allow for load balancing, overload control, and priorities for different quality-of-service traffic

(col. 14, lines 60-64). Contrary to the Examiner's allegations, this section BUYUKKOC et al. in no way discloses or suggests propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as required by claim 1. At most, this section of BUYUKKOC et al. merely discloses that more than 3 congestion thresholds can be defined to allow for priorities for different quality of service traffic.

With respect to the above arguments, the Examiner points to portions of Applicants' specification (in the Summary of the Invention section in particular), which discloses that a policy server may be associated with an edge switch and that the policy server may be referred to as a Multi-Service Control Point or MSCP (final Office Action, pg. 41). The Examiner further points to a section of BUYUKKOC et al. that discloses that the RSD may be used in conjunction with a service control point (SCP) and that a same server may provide RSD and SCP functionality (final Office Action, pg. 41). The Examiner then concludes that that it is clear that BUYUKKOC et al.'s RSD is equivalent to the policy server recited in Applicants' claim 1 (final Office Action, pg. 41).

Applicants submit that the Examiner allegations do not address the above feature of claim 1.

Applicants' claim 1 does not recite that a policy server is referred to as an MSCP. Instead, claim 1 specifically recites propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is

associated with a subscriber. The Examiner's allegations do not address this feature of claim 1.

Moreover, it appears that the Examiner is alleging that Applicants' recited policy server is an MSCP and that BUYUKKOC et al.'s RSD is a SCP; therefore, BUYUKKOC et al.'s RSD must be equivalent to the policy server recited in Applicants' claim 1.

Applicants submit that the Examiner's allegation is flawed.

At the outset, Applicants note that BUYUKKOC et al. in no way discloses or suggests that the RSD is a SCP. In fact, the section of BUYUKKOC et al. that the Examiner relies on for supporting this allegation specifically teaches away from the Examiner's allegation. For example, BUYUKKOC et al. discloses that the RSD may be accessed after an SCP (see, for example, col. 11, lines 13-15, of BUYUKKOC et al.), which clearly indicates that the RSD and the SCP are separate devices.

Applicants' claim 1 specifically recites propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber. The Examiner has not pointed to any section of BUYUKKOC et al. that discloses or suggests that the routing status database (RSD) server or any other device corresponds to this recited policy server.

Further with respect to the above arguments, the Examiner points to portions of Applicants' specification (in the Summary of the Invention section in particular), which discloses exemplary features that may be invoked and executed by the policy server (final Office Action, pg. 41). The Examiner also appears to reproduce a large portion of

BUYUKKOC et al. that discloses tables representing a sample routing status database

(final Office Action, pg. 43). The Examiner then concludes that that it is:

clear that the applicant exemplary policy/rule/plan features of a policy profile such as "burst-size limit, class-of-service provisioning, maximum concurrent call connections in progress, bandwidth control" clearly disclosed by Buyukkoc's SCP policy/rule/administration/guideline/plan/procedure/scheme having plurality of features such as bandwidth control/management, class-of-service, and/or loading/congestion of network (i.e. concurrent calls connection in progress) as defined in detailed by tables VII-IX

(final Office Action, pg. 41). Applicants disagree with the Examiner's allegations.

As set forth in detail above, BUYUKKOC et al. discloses that RSD server 730 contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25).

BUYUKKOC et al. does not disclose or suggest that RSD server 730 includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber, as required by claim 1.

In fact, as evident from BUYUKKOC et al.'s Tables VII-IX, RSD server 730 stores information regarding the status of links and routes in ATM network 20, which is not associated with a subscriber. The Examiner continues to ignore features of Applicants' claim 1.

Further with respect to the above arguments, the Examiner alleges:

It is also clear that applicant "one policy profile" is disclosed by Buyukkoc as "quality of service or priority of a new request call" where a new call has a priority associated with different quality of service, and RCD invokes "priority or quality-of-service" rule/policy such as "green", "yellow" or "red" for establishing a call based on its request

(final Office Action, pg. 44). Applicants respectfully disagree with the Examiner's allegations.

BUYUKKOC et al. does not disclose or suggest that the routing status database invokes a priority or quality of service rule/policy, such as green, yellow, or red for establishing a call, as the Examiner alleges. Instead, BUYUKKOC et al. specifically discloses that the routing status database may contain information representing the congestion of each α -link and may represent the congestion with a color – green, yellow, or red (see, for example, col. 14, lines 26-44). These colors do not represent a priority rule/policy or quality of service rule/policy, as the Examiner alleges. The Examiner's allegations do not remedy the fact that BUYUKKOC et al. does not disclose or suggest propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber, as recited in claim 1.

Since BUYUKKOC et al. does not disclose or suggest propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber, BUYUKKOC et al. cannot disclose or

suggest determining in the policy server, based at least in part on the signaling message, if a particular policy feature of the plurality of policy features is to be invoked; if so, determining whether a policy condition associated with the particular policy feature is satisfied with respect to the signaling message; and establishing a connection path between the ingress switch and the egress switch based on the determination that the policy condition is satisfied by the signaling message, as also recited in claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by BUYUKKOC et al.

Claims 2, 3, 5, 11, and 12 depend from claim 1. Therefore, these claims are not anticipated by BUYUKKOC et al. for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by BUYUKKOC et al.

For example, claim 11 recites that particular policy feature comprises an aggregate bandwidth limit feature. The Examiner relies on col. 17, lines 30-40, and col. 13, lines 45-47, of BUYUKKOC et al. for allegedly disclosing this feature (final Office Action, pg. 5). Applicants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

At col. 17, lines 30-40, BUYUKKOC et al. discloses:

RSD:

A new call arrives at originating switch 270, which determines that the call is destined for switch 220. The (origination, destination) information is passed to the RSD, which contains the information shown in Tables VII-IX. If there are different possible bandwidth requirements for different types of calls, the bandwidth requirement is preferably also passed to the RSD. The RSD uses the information in Table IX to determine that the best

route from switch 220 to switch 270 is B2, with a congestion status of "green." The RSD then increments the current usage and congestion

This section of BUYUKKOC et al. discloses that the routing status database may receive a bandwidth requirement. BUYUKKOC et al. does not disclose or suggest, however, that the routing status database, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber and where the plurality of policy features includes a particular policy feature comprising an aggregate bandwidth limit feature, as would be required by the Examiner's interpretation of claim 11. In fact, this section of BUYUKKOC et al. teaches away from this feature of claim 11. That is, if BUYUKKOC et al.'s routing status database could reasonably be construed as corresponding to the recited policy server, which includes at least one policy profile associated with a plurality of policy features, where the plurality of policy features includes a particular policy feature comprising an aggregate bandwidth limit feature, then there would be no need for the routing status database to receive the bandwidth requirements as indicated in the passage above since the routing status database would already contain this information. Thus, the Examiner's interpretation of BUYUKKOC et al. is flawed.

At col. 13, lines 45-47, BUYUKKOC et al. discloses:

receives information from each RRSDDS 740, and uses this information to compute the total bandwidth usage on each α -link and each β -link.

This section of BUYUKKOC et al. discloses that a centralized routing status database server may compute a total bandwidth usage on each link. BUYUKKOC et al. does not

disclose or suggest, however, that the routing status database, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber and where the plurality of policy features includes a particular policy feature comprising an aggregate bandwidth limit feature, as would be required by the Examiner's interpretation of claim 11.

For at least these additional reasons, Applicants submit that claim 11 is not anticipated by BUYUKKOC et al.

Independent claim 14 recites features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claim 14 is not anticipated by BUYUKKOC et al. for at least reasons similar to reasons given above with respect to claim 1.

Claims 15, 16, 18, and 31 depend from claim 14. Therefore, these claims are not anticipated by BUYUKKOC et al. for at least the reasons given above with respect to claim 14.

Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of NOAKE et al. Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 4 is patentable over BUYUKKOC et al. and NOAKE et al., whether taken alone or in any reasonable combination, for at least the

reasons given above with respect to claim 1. Moreover, this claim is patentable over BUYUKKOC et al. and NOAKE et al. for reasons of its own.

Claim 4 recites that the signaling message comprises a Release message. The Examiner admits that BUYUKKOC et al. does not disclose this feature (final Office Action, pg. 6). The Examiner relies on Fig. 4 and col. 8, lines 9-39, of NOAKE et al. for allegedly disclosing a signaling message that comprises a Release message (final Office Action, pg. 6). While these sections of NOAKE et al. appear to disclose a Release message, Applicants submit that claim 4 includes more than the mere recitation of a Release message. Claim 4, which includes the features of claim 1, recites propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked. NOAKE et al. in no way discloses or suggests these features. Instead, NOAKE et al. merely discloses the transmission of a Release message to an ATM network 220 (col. 8, lines 25-39).

Even assuming, for the sake of argument, that NOAKE et al. could reasonably be construed as disclosing propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked (a point that Applicants do not concede), Applicants submit that one skilled in the art would not have been motivated to

incorporate this alleged feature of NOAKE et al. into the BUYUKKOC et al. system,
absent impermissible hindsight. With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide a release message, as taught by Noake in the system of Buyukkoc, so that it would make effective use of a band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes

and points to col. 2, lines 55-64, and col. 8, lines 19-24, of NOAKE et al. for support (final Office Action, pg. 6). Applicants submit that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements do not satisfy the requirements of 35 U.S.C. § 103.

Col. 2, lines 55-64, of NOAKE et al. discloses:

In consideration of the aforementioned problems, the present invention aims to make effective use of a band and the respective apparatuses by employing a SVC in an ATM network comprising communication apparatuses such as a PBX, etc. Also, an object of the present invention is to transmit connection information (ring back tone, busy tone, etc.) of a communication apparatus of destinating side during the connection to a communication apparatus of originating side.

Moreover, it is an object of the present invention to count

This section of NOAKE et al. discloses the transmission of connection information from a destination side of the connection to the originating side of the connection. This section of NOAKE et al. does not disclose or suggest why one skilled in the art would incorporate propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al.

system. Moreover, this section of NOAKE et al. does not disclose or suggest that incorporating propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al. system would "make effective use of a band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes," as the Examiner alleges. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

Col. 8, lines 19-24, of NOAKE et al. discloses:

At this time, the ATM signaling interface section 203 designates VPI/VCI with respect to the CLAD section 204 and sends a user VC release indication 705 thereto. The CLAD section 204 stops cell assembling and cell disassembling on the basis of user the VC release indication 705.

This section of NOAKE et al. discloses the transmission of a user virtual channel release indication. This section of NOAKE et al. does not disclose or suggest why one skilled in the art would incorporate propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al. system. Moreover, this section of NOAKE et al. does not disclose or suggest that incorporating propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature

of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al. system would "make effective use of a band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes," as the Examiner alleges. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

The Examiner's reliance on *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971) (final Office Action, pg. 29) does not explain why one skilled in the art would reasonably be motivated to incorporate propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al. system. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

For at least these additional reasons, Applicants submit that claim 4 is patentable over BUYUKKOC et al. and NOAKE et al., whether taken alone or in any reasonable combination.

Claim 17 depends from claim 14. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, Applicants submit that claim 17 is patentable over BUYUKKOC et al. and NOAKE et al., whether taken alone or in any reasonable

combination, for at least the reasons given above with respect to claim 14. Moreover, this claim is patentable over BUYUKKOC et al. and NOAKE et al. for reasons of its own.

For example, claim 17 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 4. Therefore, Applicants submit that claim 17 is patentable over BUYUKKOC et al. and NOAKE et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 4.

Claims 6, 8, 9, 19-21, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of CHRISTIE et al. Applicants respectfully traverse this rejection.

Claims 6, 8, and 9 depend from claim 1. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, Applicants submit that claims 6, 8, and 9 are patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims are patentable over BUYUKKOC et al. and CHRISTIE et al. for reasons of their own.

For example, claim 6 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a source address validation feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 7 and col. 7, lines 9-19 and 35-45, of CHRISTIE et al. for

allegedly disclosing a source address validation/screening and destination address screening (final Office Action, pg. 7). Applicants submit that the Examiner's allegation does not address the specifically recited features of claim 6.

Claim 6 specifically recites that the particular policy feature comprises a source address validation feature. Claim 6 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that CHRISTIE et al. allegedly discloses source address validation/screening and destination address screening does not address the features recited in claim 6. That is, the Examiner does not allege, and CHRISTIE et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address validation feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 6.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to validate/verify the caller number and dial number, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record

and points to col. 3, lines 12-22, and col. 7, lines 39-45, of CHRISTIE et al. for support (final Office Action, pp. 7 and 30). Applicants submit that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements do not satisfy the requirements of 35 U.S.C. § 103.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a source address validation feature into the routing status database server, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database server contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database server to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address validation feature. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

For at least these additional reasons, Applicants submit that claim 6 is patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination.

Claim 8 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a destination address screening feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 7 and col. 7, lines 9-19 and 35-45, of CHRISTIE et al. for allegedly disclosing a source address validation/screening and destination address screening (final Office Action, pg. 7). Applicants submit that the Examiner's allegation does not address the specifically recited features of claim 8.

Claim 8 specifically recites that the particular policy feature comprises a destination address screening feature. Claim 8 depends indirectly from claim 1, which

recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that CHRISTIE et al. allegedly discloses source address validation/screening and destination address screening does not address the features recited in claim 8. That is, the Examiner does not allege, and CHRISTIE et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a destination address screening feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 8.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to validate/verify the caller number and dial number, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record

and points to col. 3, lines 12-22, and col. 7, lines 39-45, of CHRISTIE et al. for support (final Office Action, pp. 7 and 30). Applicants submit that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements do not satisfy the requirements of 35 U.S.C. § 103.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a destination address screening feature into the routing status database server, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database server contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the

routing status database server to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a destination address screening feature. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

For at least these additional reasons, Applicants submit that claim 8 is patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination.

Claim 9 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a source address screening feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 7 and col. 7, lines 9-19 and 35-45, of CHRISTIE et al. for allegedly disclosing a source address validation/screening and destination address screening (final Office Action, pg. 7). Applicants submit that the Examiner's allegation does not address the specifically recited features of claim 9.

Claim 9 specifically recites that the particular policy feature comprises a source address screening feature. Claim 9 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that CHRISTIE et al. allegedly discloses source address validation/screening and destination address screening does not address the features recited in claim 9. That is, the Examiner does not allege, and CHRISTIE et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which

comprises a particular policy feature comprising a source address screening feature. The Examiner has not established a *prima facie* case of obviousness with respect to claim 9.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to validate/verify the caller number and dial number, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record

and points to col. 3, lines 12-22, and col. 7, lines 39-45, of CHRISTIE et al. for support (Office Action, pp. 7 and 30). Applicants submit that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements do not satisfy the requirements of 35 U.S.C. § 103.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a source address screening feature into the routing status database server, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database server contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database server to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address screening feature. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

For at least these additional reasons, Applicants submit that claim 9 is patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination.

Claims 19-21, 23, and 25 depend from claim 14. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, Applicants submit that these claims are patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14. Moreover, these claims are patentable over BUYUKKOC et al. and CHRISTIE et al. for reasons of their own.

For example, claims 19, 23, and 25 recite features similar to (yet possibly of different scope than) features described above with respect to claims 6, 8, and 9. Therefore, Applicants submit that these claims are patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claims 6, 8, and 9.

Claims 7 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of FARRIS et al. Applicants respectfully traverse this rejection.

Claim 7 depends from claim 1. The disclosure of FARRIS et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, Applicants submit that this claim is patentable over BUYUKKOC et al. and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over BUYUKKOC et al. and FARRIS et al. for reasons of its own.

Claim 7 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum call attempt rate limit feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col. 14, lines 1-12, and col. 11, lines 5-17, of FARRIS et al. for allegedly disclosing a maximum call attempt rate limit (final Office Action, pg. 9). Applicants submit that the Examiner's allegation does not address the specifically recited features of claim 7.

Claim 7 specifically recites that the particular policy feature comprises a maximum call attempt rate limit feature. Claim 7 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that FARRIS et al. allegedly discloses a maximum call attempt rate limit does not address the features recited in claim 7. That is, the Examiner does not allege, and FARRIS et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum call attempt rate limit feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 7.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide acceptable/maximum specified rate of call attempts, as taught by Farris in the system of Buyukkoc, so that it would can detect the predetermined events and/or imminence of predetermined events, and then blocking or controlling those events from their incipency

and points to col. 14, lines 1-6, of FARRIS et al. for support (final Office Action, pp. 9, 10, and 32). Applicants submit that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements do not satisfy the requirements of 35 U.S.C. § 103.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a maximum call attempt rate limit feature into the routing status database server, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database server contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database server to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum call attempt rate limit feature. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

For at least these additional reasons, Applicants submit that claim 7 is patentable over BUYUKKOC et al. and FARRIS et al., whether taken alone or in any reasonable combination.

Claim 22 depends from claim 14. The disclosure of FARRIS et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, Applicants submit that this claim is patentable over BUYUKKOC et al. and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14. Moreover,

this claim is patentable over BUYUKKOC et al. and FARRIS et al. for reasons of its own.

Claim 22 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 7. Therefore, Applicants submit that claim 22 is patentable over BUYUKKOC et al. and FARRIS et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 7.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of VANDERVORT et al. Applicants respectfully traverse this rejection.

Claim 10 depends from claim 1. The disclosure of VANDERVORT et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, Applicants submit that this claim is patentable over BUYUKKOC et al. and VANDERVORT et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over BUYUKKOC et al. and VANDERVORT et al. for reasons of its own.

Claim 10 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum burst size limit feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col. 6, lines 8-11, of VANDERVORT et al. for allegedly disclosing a maximum burst size

limit feature (final Office Action, pg. 11). Applicants submit that the Examiner's allegation does not address the specifically recited features of claim 10.

Claim 10 specifically recites that the particular policy feature comprises a maximum burst size limit feature. Claim 10 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that VANDERVORT et al. allegedly discloses a maximum burst size limit feature does not address the features recited in claim 10. That is, the Examiner does not allege, and VANDERVORT et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature. The Examiner has not established a *prima facie* case of obviousness with respect to claim 10.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide limited/maximum burst size, as taught by VanDervort in the system of Buyukkoc, so that it would control the flow of traffic and maximize the utilization of network resources

and points to col. 6, lines 1-3, of VANDERVORT et al. for support (final Office Action, pp. 11 and 34). Applicants submit that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements do not satisfy the requirements of 35 U.S.C. § 103.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a maximum burst size limit feature into the routing status database server, which the

Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that the routing status database server contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database server to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

For at least these additional reasons, Applicants submit that claim 10 is patentable over BUYUKKOC et al. and VANDERVORT et al., whether taken alone or in any reasonable combination.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of HORN et al. Applicants respectfully traverse this rejection.

Claim 10 depends from claim 1. The disclosure of HORN et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, Applicants submit that this claim is patentable over BUYUKKOC et al. and HORN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over BUYUKKOC et al. and HORN et al. for reasons of its own.

Claim 10 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum burst size limit feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col.

2, lines 29-30, of HORN et al. for allegedly disclosing a maximum burst size limit/threshold feature (final Office Action, pg. 11). Applicants submit that the Examiner's allegation does not address the specifically recited features of claim 10.

Claim 10 specifically recites that the particular policy feature comprises a maximum burst size limit feature. Claim 10 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that HORN et al. allegedly discloses a maximum burst size limit/threshold feature does not address the features recited in claim 10. That is, the Examiner does not allege, and HORN et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 10.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide maximum burst length threshold, as taught by Horn in the system of Buyukkoc, so that it would avoid overflow problem due to long bursts

and points to col. 1, lines 25-34, of HORN et al. for support (final Office Action, pp. 11, 34, and 35). Applicants submit that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements do not satisfy the requirements of 35 U.S.C. § 103.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a

maximum burst size limit feature into the routing status database server, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database server contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database server to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

For at least these additional reasons, Applicants submit that claim 10 is patentable over BUYUKKOC et al. and HORN et al., whether taken alone or in any reasonable combination.

Claims 13 and 38 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of BASSO et al. Applicants respectfully traverse this rejection.

Claim 13 depends from claim 1. The disclosure of BASSO et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, Applicants submit that this claim is patentable over BUYUKKOC et al. and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over BUYUKKOC et al. and BASSO et al. for reasons of its own.

Claim 13 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum concurrent call limit

feature. The Examiner appears to admit that BUYUKKOC et al. does not disclose this feature and relies on col. 4, lines 25-35, of BASSO et al. for allegedly disclosing a maximum concurrent call limit feature (final Office Action, pp. 11-12). Applicants submit that the Examiner's allegation does not address the specifically recited features of claim 13.

Claim 13 specifically recites that the particular policy feature comprises a maximum concurrent call limit feature. Claim 13 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that BASSO et al. allegedly discloses a maximum concurrent call limit feature does not address the features recited in claim 13. That is, the Examiner does not allege, and BASSO et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum concurrent call limit feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 13.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide maximum concurrent connection, as taught by Basso in the system of Buyukkoc, so that it would control concurrent connections/calls to provide efficient protection against signaling congestion

and points to col. 2, lines 35-45, of BASSO et al. for support (final Office Action, pg. 12). Applicants submit that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements do not satisfy the requirements of 35 U.S.C. § 103.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a maximum concurrent call limit feature into the routing status database server, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database server contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database server to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum concurrent call limit feature. Applicants submit that the Examiner's motivation is based on impermissible hindsight.

For at least these additional reasons, Applicants submit that claim 13 is patentable over BUYUKKOC et al. and BASSO et al., whether taken alone or in any reasonable combination.

Claim 38 depends from claim 14. The disclosure of BASSO et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, Applicants submit that this claim is patentable over BUYUKKOC et al. and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14. Moreover, this claim is patentable over BUYUKKOC et al. and BASSO et al. for reasons of its own.

Claim 38 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 13. Therefore, Applicants submit that claim 38 is patentable over BUYUKKOC et al. and BASSO et al., whether taken alone or

in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 13.

Claims 24 and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of CHRISTIE et al., and further in view of GAI et al. Applicants respectfully traverse this rejection.

Claims 24 and 26 depend from claims 23 and 25, respectively. The disclosure of GAI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and CHRISTIE et al. set forth above with respect to claims 23 and 25. Therefore, Applicants submit that these claims are patentable over BUYUKKOC et al., CHRISTIE et al., and GAI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 23 and 25.

Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of KOBAYASHI et al. Applicants respectfully traverse this rejection.

Claims 27-29 depend from claim 18. The disclosure of KOBAYASHI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 18. Therefore, Applicants submit that claims 27-29 are patentable over BUYUKKOC et al. and KOBAYASHI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 18.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of SMITH et al. Applicants respectfully traverse this rejection.

Claim 30 depends from claim 18. The disclosure of SMITH et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 18. Therefore, Applicants submit that claim 30 is patentable over BUYUKKOC et al. and SMITH et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 18.

Claims 32-37 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of KILKKI et al. Applicants respectfully traverse this rejection.

Claims 32-37 depend from claim 31. The disclosure of KILKKI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 31. Therefore, Applicants submit that claims 32-37 are patentable over BUYUKKOC et al. and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 31.

Claims 39-43, 45, 50, and 58 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI et al. Applicants respectfully traverse this rejection.

Independent claim 39 is directed to a computer-readable medium operable with an Asynchronous Transfer Mode (ATM) network node, where the computer-readable medium carries a sequence of instructions provided for executing service logic which, when executed by a processing entity associated with the ATM network node, causes the ATM network node to perform a method. The method includes upon receiving in the ATM network node a signaling message with respect to a call from a party, propagating

the signaling message to a policy server operably associated with the ATM network node; and upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, effectuating a treatment for the call based on said particular policy feature, the particular policy feature including at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers. BUYUKKOC et al. and GAI et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, BUYUKKOC et al. and GAI et al. do not disclose or suggest upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, effectuating a treatment for the call based on said particular policy feature, the particular policy feature including at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers. The Examiner relies on steps 850, 860, and 870 of Fig. 8, steps 1045, 1050, and 1055 of Fig. 10, col. 14, lines 1-65, col. 19, lines 35-50, and col. 21, lines 40-50, of BUYUKKOC et al. for allegedly disclosing effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message (final Office Action, pp. 18 and 38). Applicants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

Step 850 in Fig. 8 of BUYUKKOC et al. corresponds to the step of sending the identity of the route from the route status database to an edge node. This step in

BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, as recited in claim 39.

Step 860 in Fig. 8 of BUYUKKOC et al. corresponds to the step of receiving the identity of the route from the route status database at the edge node. This step in BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, as recited in claim 39.

Step 870 in Fig. 8 of BUYUKKOC et al. corresponds to the step of routing the call, via the edge node, on the route selected by the route status database. This step in BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, as recited in claim 39.

Step 1045 in Fig. 10 of BUYUKKOC et al. corresponds to the step of sending a message to switch 922 that identifies a particular virtual channel identifier. This step in BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, as recited in claim 39.

Step 1050 in Fig. 10 of BUYUKKOC et al. corresponds to the step of receiving the message at switch 922 and mapping a first virtual path identifier/virtual channel identifier to a second virtual path identifier/virtual channel identifier. This step in BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon

determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, as recited in claim 39.

Step 1055 in Fig. 10 of BUYUKKOC et al. corresponds to the step of routing the call from the switch 924 to a user. This step in BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, as recited in claim 39.

Col. 14, lines 1-65, of BUYUKKOC et al. discloses:

Edge nodes 720 may send a query to an RRSDS 740 to determine how to route a new call, or route congestion databases may be maintained at each edge node 720. The total bandwidth usage on each α -link and β -link may be calculated based on reports of contributions from each edge node, or may be measured directly by an edge node 720 and/or backbone ATM switch 710 to which the link in question is connected.

Routing Status Database Content

For each (source, destination) pair in the network, the RSD contains some or all of the following information. Depending on the needs and size of the network, a "destination" could be a terminating switch or it could be a trunk group or virtual path. Connectivity information regarding the set of routes that can be used to interconnect the source and destination. Information about alternate routes. Information on the capacity of each route in the network. Status of all of the routes in the network. Status could be in the form of free or available capacity or utilization on each link, or could be a status indicator such as "lightly loaded", "heavily loaded", "extreme congestion". The data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic.

Tables VII-IX show a sample RSD for the network of FIGS. 1-5. The Tables show information for only a limited number of routes, whereas a real RSD would have more complete information. In particular, if there are k routes between each pair of edge nodes and n edge nodes in the network, the total number of rows in the Route Status Table (Table IX) is

$kn(n-1)/2$. The α -link, β -link, source, destination, and VPI numbers of Tables VII-IX refer to the reference numbers of FIGS. 1-5.

Table VII contains the current usage of each α -link. Table VII also contains two congestion thresholds for each link, which define three congestion status ranges --referred to as "green," "yellow," and "red," in increasing order of congestion. A status of "green" may mean that the route has plenty of capacity left and that new calls can be routed there with no difficulty. A status of "yellow" may mean that the link is beginning to get congested and that alternate routes should be used if available. A status of "red" may mean to avoid using the route if at all possible. For example, if a call arrives and all its possible paths are "red," the call may be blocked, depending upon its priority. For example, α -link 214 has a "green" congestion status when the usage is not greater than 1.4 Gbps, a "yellow" congestion status when the usage is greater than 1.4 Gbps and not greater than 1.8 Gbps, and a "red" congestion status when the usage is greater than 1.8 Gbps. The current usage of α -link 214 is 1.312 Gbps, so the congestion status is "green." The current usage and congestion status of each link are periodically updated. It may be desirable to define different congestion thresholds for different links, due to factors such as different capacities and different expected usage volumes. In addition, it is preferable to incorporate a safety margin of additional capacity into the thresholds, because there is some potential for the information in the RSD to be slightly inaccurate or outdated. While Table VII only shows 2 congestion thresholds that define 3 congestion status for each link, many more thresholds and congestion status may be defined to allow for load balancing, overload control, and priorities for different quality-of-service traffic.

Table VIII gives the status of the β -links in the network. The information in Table VIII is similar to that in Table VII, but applies to β -links instead of α -links.

This section of BUYUKKOC et al. discloses that RSD server 730 contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some

rule or logic (see, for example, col. 14, lines 9-25). This section of BUYUKKOC et al. does not disclose or suggest RSD server 730 or any other device effectuates a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, as recited in claim 39. In fact, this section of BUYUKKOC et al. does not relate to policy conditions and policy features.

At col. 19, lines 35-50, BUYUKKOC et al. discloses:

In a fourth step 840, RSD 804 selects a route for the call, based on the source and destination information, as well as the congestion status of potential routes. This selection may be made using a method similar to Method 8, 9 or 10, as described above. The priority of the call may also be considered in selecting the route. Using the routing scheme of the first embodiment, the selected route may be uniquely identified by a VPI.

In a fifth step 850, RSD 804 sends the identity of the selected route to edge node 802.

In a sixth step 860, edge node 802 receives the identity of the selected route.

In a seventh step 870, edge node 802 sets up the call on the selected route.

Preferably, the call is set up in accordance with the procedures described in the third group of embodiments.

This section of BUYUKKOC et al. discloses that selection of a route for a call can be made based on source and destination information, congestion status of potential routes, and priority information. This section of BUYUKKOC et al. does not disclose or suggest effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling

message, as recited in claim 39. In fact, this section of BUYUKKOC et al. does not relate to policy conditions and policy features.

At col. 21, lines 40-50, BUYUKKOC et al. discloses:

In an eleventh step 1055, ATM switch 924 routes the call to user 904 via TDM trunk 934 and TDM switch 914, using techniques known to the art.

In a twelfth step 1060, after the call is answered in accordance with techniques known to the art, ATM switch 922 receives voice data from user 902 and sends it in ATM packets to ATM switch 924 using VPI/VCI X/a, which then sends the voice data to user 904. Similarly, ATM switch 924 receives voice data from user 904 and sends it in ATM packets to ATM switch 922 using VPI/VCI Y/b, which then sends the voice data to user 902.

This section of BUYUKKOC et al. discloses the transmission of ATM packets after a call is answered. This section of BUYUKKOC et al. does not disclose or suggest effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, as recited in claim 39. In fact, this section of BUYUKKOC et al. does not relate to policy conditions and policy features.

The disclosure of GAI et al. does not remedy the above deficiencies in the disclosure of BUYUKKOC et al.

The Examiner relies on GAI et al. for allegedly disclosing destination address screening and source address screening (final Office Action, pg. 18). Applicants submit that one skilled in the art would not have been motivated to incorporate this alleged teaching of GAI et al. into the BUYUKKOC et al. system, absent impermissible hindsight. With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide one of a destination screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as taught by Gai in the system of Buyukkoc, so that it would ability to allocate network services and resources by applying high-level quality of service policies (final Office Action, pp. 18, 19, 39, and 40). Applicants submit that the Examiner's motivation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements do not satisfy the requirements of 35 U.S.C. § 103.

For at least these additional reasons, Applicants submit that claim 39 is patentable over BUYUKKOC et al. and GAI et al., whether taken alone or in any reasonable combination.

Claims 40-43, 45, 50, and 58 depend from claim 39. Therefore, these claims are patentable over BUYUKKOC et al. and GAI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

Claim 44 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI et al., and further in view of NOAKE et al. Applicants respectfully traverse this rejection.

Claim 44 depends from claim 39. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 39. Therefore, Applicants submit that claim 44 is patentable over BUYUKKOC et al., GAI et al., and NOAKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

Claims 46-48 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI et al., and further in view of CHRISTIE et al. Applicants respectfully traverse this rejection.

Claims 46-48 depend from claim 39. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 39. Therefore, Applicants submit that claims 46-48 are patentable over BUYUKKOC et al., GAI et al., and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

Claim 49 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI et al., and further in view of FARRIS et al. Applicants respectfully traverse this rejection.

Claim 49 depends from claim 45. The disclosure of FARRIS et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 45. Therefore, Applicants submit that claim 49 is patentable over BUYUKKOC et al., GAI et al., and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45.

Claims 54-56 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI et al., and further in view of KOBAYASHI et al. Applicants respectfully traverse this rejection.

Claims 54-56 depend from claim 45. The disclosure of KOBAYASHI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set

forth above with respect to claim 45. Therefore, Applicants submit that claim 54-56 are patentable over BUYUKKOC et al., GAI et al., and KOBAYASHI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45.

Claim 57 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI et al., and further in view of SMITH et al. Applicants respectfully traverse this rejection.

Claim 57 depends from claim 45. The disclosure of SMITH et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 45. Therefore, Applicants submit that claims 57 is patentable over BUYUKKOC et al., GAI et al., and SMITH et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45.

Claims 59-64 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI et al., and further in view of KILKKI et al. Applicants respectfully traverse this rejection.

Claims 59-64 depend from claim 58. The disclosure of KOBAYASHI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 58. Therefore, Applicants submit that claim 59-64 are patentable over BUYUKKOC et al., GAI et al., and KOBAYASHI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 58.

Claim 65 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of GAI et al., and further in view of BASSO et al.

Applicants respectfully traverse this rejection.

Claim 65 depends from claim 45. The disclosure of BASSO et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 45. Therefore, Applicants submit that claims 65 is patentable over BUYUKKOC et al., GAI et al., and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /John E. Harrity/
John E. Harrity
Registration No. 43,367

Date: March 9, 2007

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 25537